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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/629,117
Filing Date: July 31, 2000
Appellant(s): MARANTZ ET AL.

Jason S. Feldmar
Reg. No. 39,187
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 16, 2007 appealing from the Office action mailed May 17, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Related appeal decision dated September 15, 2006.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,182,010	Berstis	1-2001
6,321,158	DeLorme et al.	11-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 11-12, 23-24, 35-37, 41, 45, and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,182,010 issued to Berstis in view of USPN 6,321,158 issued to DeLorme et al.

Regarding claim 11, Berstis teaches a system for accessing geographic information comprising:

(a) a thin client (figure 1);

(b) an application on the thin client, the application configured to

(i) request map data from a server (figure 3; col. 4, line 57 to col. 5, line 2);

(ii) receive, in response to the request a single mapset constructed prior to the server receiving the request (col. 7, lines 13-20), wherein the single mapset comprises two or more maps, and map data for the two or more maps in the single mapset (figure 5; col. 2, lines 20-25);

(iii) format the map data in the single mapset (col. 2, lines 20-25); and

(iv) display the map data on a screen of the client (col. 2, lines 52-60).

Although Berstis does not explicitly teach "thin client," it should be noted that its use is primarily for small computer clients such as PDA, as well known in the art. In this case, Berstis utilizes PDAs to request and receive map data, therefore, although not disclosed, the thin client is used.

Berstis also does not explicitly teach that the map data is requested from the servlet, however, he discloses the server in which the map data is requested from contains software programs including servlets (col. 4, line 45). One of ordinary skill in the art at the time the invention was made would have been motivated to employ a servlet to process request because it has the capability to extend web servers by generating dynamic web contents, therefore making the system more flexible.

However, Berstis does not explicitly disclose receiving a single mapset constructed on a per-user basis prior to the servlet receiving the request, nevertheless, this feature is disclosed in an analogous art by DeLorme. DeLorme teaches constructing a mapset on a per-user basis (see DeLorme i.e. col. 1, lines 29-47), the mapset allows user to save and retrieve for later processing (DeLorme: col. 37, lines 5-52). At the time the invention was made, one of ordinary skill in the art have been motivated to incorporate DeLorme's teaching into the teaching of Berstis in order to provide more detailed information, thus making it easier for users to navigate (col. 4, lines34-45).

Regarding claim 12, although Berstis does not explicitly teach the system of clam 11 wherein the request is a 'GET' HTTP request, it is well known in the art that a servlet is program that runs as part of a network service, typically an HTTP server and responds to requests from clients. In this case, since the PDA requests map data from a servlet, it must do so by a GET HTTP request.

Claims 23-24 have similar limitations as claims 11-12, therefore are rejected under the same rationale.

Claims 35-37 have similar limitations as claims 11-12, therefore are rejected under the same rationale.

Claims 41, 45 and 49 have similar limitations as claim 11, therefore are rejected under the same rationale. Furthermore, these claims further recite that the mapset is constructed in parallel on multiple processing units. Although not explicitly taught in neither reference, regardless of whether the mapset was constructed in one or multiple CPUs, it would have been a matter of design choice. One of ordinary skill in the art could have modified the teaching of Berstis and DeLorme to construct the mapset in parallel on multiple CPUs without involving all inventive concept and without producing unexpected result, which would have been obvious matter of choice.

Regarding claims 50-52, DeLorme teaches a system, method, and article of manufacturer wherein the two or more maps included in the single mapset are based on one or more work orders for a particular user (col. 1, lines 29-47). It is noted that this cited area also discloses that the travel planning can be used for business or personal. One of ordinary skill in the art can apply the concept of DeLorme into other uses, such as work order, as claimed.

(10) Response to Argument

Independent claims 11, 23, and 35

Appellant's arguments have been considered but are not found persuasive. In response to Appellant's argument that neither Berstis nor DeLorme teach the construction of a mapset containing multiple maps on a "per-user basis," the PTO respectfully disagrees and submits that this is taught by DeLorme as cited above. It is noted that the term "per-user" is not explicitly defined. Appellant merely cited an example of particular work order or set of work orders for a utility. It is the Examiner's position that Appellant has not yet submitted claims drawn to limitations, which define the operation of Appellant's disclosed invention in manner, which distinguishes over the prior art. As it is Appellant's right to continue to claim as broadly as possible, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Appellant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique.

Turning to the cited prior art, DeLorme teaches an Integrated Routing/Mapping Information System (IRMIS) for travel planning. The system includes, inter alia, the capability

to provide an interactive computer travel-planning guide for determining a route between a ***user selected*** travel origin and travel destination following ***user selected*** intermediate waypoints along the way. The user can also select points of interest within ***user defined*** region of interest along the travel route. The points of interest can be updated or changed according to user's preferences and choice. (DeLorme: col. 1, lines 29-47). Furthermore, Figure 2A illustrates how a user can make a map and chose route information (referred to as packages) and download them into a PDA. The packages are interpreted as mapset as claimed. The user selected and defined options are broadly interpreted as "per-user basis" as claimed.

Appellant argues that the references do not teach the mapset being created on a per user basis before the servlet even receives the request from the client. Specification, page 9, lines 10-18 discloses that the creation of the mapset. The server is configured to receive alerts that create/delete/update the database on the server side (specific to a user profile).

PTO submits that this limitation is implied by DeLorme. For example, col. 37, lines 5 thru lines 57 of DeLorme teaches how a user can create a travel plan. The user browses through points of interests, creates routes, and saves the route for subsequent processing. The fact that the information can be created and saved prior to subsequent retrieval implies that it is pre-constructed before the server receives subsequent request from the client.

Appellant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. As the claims breadth allows multiple interpretations and meanings, which are broader than Appellant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations

from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Dependent claims 41, 45 and 49

In response to Appellant's argument that the references fail to describe constructing a mapset in a parallel on multiple CPU's, the PTO respectfully submits that although not explicitly taught in neither Berstis nor DeLorme, regardless of whether the mapset was constructed in one or multiple CPUs, it would have been matter of design choice. One of ordinary skill in the art could easily construct the mapset in parallel on multiple CPUs without involving all inventive concept and without producing unexpected result, which would have been obvious matter of choice, which court held unpatentable (See MPEP 2144.04 (V)).

Dependent claims 50-52

In response to Appellant's argument that DeLorme does not teach a specific user or the ability to include multiple maps in a single mapset based on one or more work order, as cited and argued above, DeLorme teaches creating a mapset based on user's selection (col. 1, lines 29-47). It is noted that this cited area also discloses travel planning can be used for business or personal. One of ordinary skill in the art can apply the concept of DeLorme into other uses, such as work order, as claimed.

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

ANB

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